## Tenancy Act (Amendment) Bill—passing of.

**119. Mr. P. Kumaran Ezhuthassan** *(Wadakkancheri).*— Will the Government be pleased to state:—

(a) the date on which a Bill to amend the Tenancy Regulation, II of 1090, was passed by the Cochin Legislative Council;

(b) whether the said amending Bill is not one introduced by the Government themselves;

(c) whether the said Bill has been placed on the Statute Book as yet?

**Mr. K. P. Kannan Nayar** *(Secretary to Government).*—

(a) 30th November 1932.

(b) Yes.

(c) No.

**Mr. P. Kumaran Ezhuthassan** *(Wadakkancheri).*—May I know whether the Chairman of the Committee appointed to consider this Bill that was passed by this Council on the 30th of November was not an Ex. Chief Justice of our Chief Court?

**Mr. K. P. Kannan Nayar** *(Secretary to Government).*— Yes. He is an Ex. Chief Justice.

**Mr. P. Kumaran Ezhuthassan** *(Wadakkancheri).*— Was not the measure that was passed brought by the Government as a compromise between an amending bill brought by the Hon'ble Member for Law now, then the Member for Trippunithura, and the Hon'ble Member for Jenmis then, now the Sirkar Vakil of Trichur?

**Mr. K. P. Kannan Nayar** *(Secretary to Government).*— That is a matter for inference.

**Mr. P. Kumaran Ezhuthassan** *(Wadakkancheri).*—I want the information to be supplied by the Government of Cochin.

**Mr K. P. Kannan Nayar** *(Secretary to Government).*— The Bills are there and the Hon'ble Member can drawn his own inference.

**Mr. P. Kumaran Ezhuthassan** *(Wadakkancheri).*—Your Diwan then has said: 'Will you be satisfied with, as a matter of compromise between these two warring amendments, an

LIBRARY ARCHIVES Kerala Legislative Assembly

amendment which will be brought into the Council by the Government itself? I have that passage. Do you know whether it is not as a matter of compromise between these two amendments from opposite forces that the Government thought it best to bring a bill? I ask that question pointedly.

**Mr. K. P. Kannan Nayar** (*Secretary to Government*).—The Hon'ble Member seems to be in possession of the information.

**Mr. P. Kumaran Ezhuthassan** (*Wadakkancheri*).—I may be in possession of the information. But I want it for the information of the House.

**Mr. K. P. Kannan Nayar** (*Secretary to Government*).—The speech from which the Hon'ble Member was reading has been published.

**Mr. P. Kumaran Ezhuthassan** (*Wadakkancheri*).—Will you say whether it is as a compromise or will you refuse it?

**Mr. K. P. Kannan Nayar** (*Secretary to Government*).—Whether it is a compromise or not the Government have no information.

**Mr. P. Kumaran Ezhuthassan** (*Wadakkancheri*).—With regard to subsection (c), whether it has been placed on the Statute Book, the answer is 'No'. May I know why?

**Mr. K. P. Kannan Nayar** (*Secretary to Government*).—The Government are considering the several provisions of that Bill. Sir, I will explain to this House the position so far as that Bill is concerned. The Bill that was introduced by the Government underwent certain radical changes when it emerged out of the Select Committee. It is true that the Bill as reported by the Select Committee was ultimately passed by the Government. The Bill as originally introduced did not take within its scope new kanom, and there was also provision there to give relief to jenmies for collection of all arrears of rent by summary provision under the Revenue Recovery Regulation. These provisions were taken away. The various conditions under which the jenmi could evict also became restricted and there were several other changes also introduced there. The Government have been carefully considering the various changes. The House may expect ere long the bill to be remitted for reconsideration by the House of the various changes the Government propose to make with regard to it.

LIBRARY ARCHIVES Kerala Legislative Assembly

**Mr. P. Kumaran Ezhuthassan** *(Wadakkancheri).*—May I know whether at the time of the consideration of the select committee report of this Bill which underwent radical changes, according to you, at the committee stage, the bill was attempted to be amended by the Government?

**Mr. K. P. Kannan Nayar** *(Secretary to Government).*—I don't understand the question.

**Mr. P. Kumaran Ezhuthassan** *(Wadakkancheri).*—You have told that the delay in placing this Bill on the Statute Book is due to the fact that this Bill underwent radical changes at the committee stage. With that answer of yours, I ask this question, whether at the consideration of the select committee report the Government brought forward amendments to their liking, or in other words, whether the Government tried to bring it to the old level before it went to the committee stage or to any level which they were pleased to accept?

**Mr. K. P. Kannan Nayar** *(Secretary to Government).*—Government did not put forward any amendment.

**Mr. P. Kumaran Ezhuthassan** *(Wadakkancheri).*—May I know, why?

**Mr. K. P. Kannan Nayar** *(Secretary to Government).*—At that time it was not considered necessary.

**Mr. P. Kumaran Ezhuthassan** *(Wadakkancheri).*—May I know what change has taken place to change the position of the Government which did not bring forward amendments at the proper time?

**Mr. K. P. Kannan Nayar** *(Secretary to Government).*—Further considerations.

**Mr. P. Kumaran Ezhuthassan** *(Wadakkancheri).*—Will you kindly give a sample of that further consideration?

**Mr. K. P. Kannan Nayar** *(Secretary to Government).*—I am not in a position to say.

**Mr. P. Kumaran Ezhuthassan** *(Wadakkancheri).*—Is it because you have not got it or is it due to your unwillingness to disclose it?

**Mr. K. P. Kannan Nayar** *(Secretary to Government).*—I have no answer.

**Mr. K. M. Ibrahim** *(Cranganur).*—The Government took 5 long years to make some minor amendments. Is it convincing to the House?

LIBRARY ARCHIVES Kerala Legislative Assembly

**Mr. K. P. Kannan Nayar** *(Secretary to Government)*.—It is not a minor matter. As far as the second part of the question is concerned, it is a matter of opinion.

**Mr. P. Kumaran Ezhuthassan** *(Wadakkancheri)*.—May I know whether the provision in the Legislative Council Enactment for remitting a bill to the Council for reconsideration was not made soon after our present Diwan assumed office?

**Mr. K. P. Kannan Nayar** *(Secretary to Government)*.—It was made in 1110.

**Mr. P. Kumaran Ezhuthassan** *(Wadakkancheri)*.—May I know why you have failed to remit the Bill at the earliest opportunity when a provision was made?

**Mr. K. P. Kannan Nayar** *(Secretary to Government)*.—The Bill is pending consideration with His Highness. I have nothing further to say with reference to this matter.

**Mr. P. Kumaran Ezhuthassan** *(Wadakkancheri)*.—May I know why the wheels that move the machinery of Government were still for the last 4 years?

**Mr. Thomas Manjuran** *(Government Advocate and Law Officer)*.—On a point of order, Sir. Are these questions in order? The bill is now pending before His Highness, and the Bill has to be accepted or rejected by His Highness at His Highness' sweet will and pleasure. Do not these questions reflect upon the person of His Highness? I submit it is altogether out of the province of this Council to question the delay in the passing of the Bill.

**Mr. T. K. Nayar** *(Pazhayannur)*.—Yes, Sir, we want a ruling on that point.

**Mr. President.**—As this is an important point I will think over the matter and give my ruling.

**Mr. P. Kumaran Ezhuthassan** *(Wadakkancheri)*.—In the light of the fact that various important amendments are in the consideration of the Government for the last 4 years and in view of the fact that a provision has been introduced by you, Sir, for remitting the Bill for our consideration further, may I seek of the Government whether they would be pleased to remit it at least during the Vrischigam session if not on any one of these days?

LIBRARY ARCHIVES Kerala Legislative Assembly

**Mr. K. P. Kannan Nayar** *(Secretary to Government).*—As early as possible the Government will do it. That question has been answered.

**Mr. K. M. Ibrahim** (*Cranganur*).—Is it the position of the Government that it will be remitted back to the Council?

**Mr. K. P. Kannan Nayar** (*Secretary to Government*).—Yes.

**Mr. T. K. Nayar** *(Pazhayannur).*—How could you say that when the matter is under the consideration of His Highness?

**Mr. President.**—When a Bill has been passed by this House it could not be open to the House to ask why His Highness has not given His Highness' Sign Manual to the Bill. That question will be out of order. We cannot go into the reasons why His Highness vetoed the bill. It need not necessarily mean that His Highness has not given His Highness' Royal Sign Manual. It may also mean that as a result of further consideration the Government think further changes are required in certain respects before the Bill can be submitted for His Highness' Royal Sign Manual. When that position is taken up by the Government the Government are taking the responsibility for any delay and the Council can ask questions. The Government say that in view of the importance and the interests it affects in the opinion of the Government it is necessary that certain essential amendments will have to be made before the Bill can be placed on the Statute Book and it is the intention of the Government to remit the bill for the reconsideration of the House with the amendments recommended by the Government. I think it will be done during the next session of the Council.

120. **Mr. E. Ikkanda Warriar** *(Urakam).*—Will the Government be pleased to state the reasons for not passing final orders on the Cochin Tenancy Amendment Bill passed in the Legislative Council some years ago?

**Mr. K. P. Kannan Nayar** *(Secretary to Government).*—The Bill is being considered by Government.

## Graduate clerks—promotions—opportunities for.

121. **Mr. A. V. Moothedan** *(Chalakkudi).*—Will the Government be pleased to state:—

LIBRARY ARCHIVES Kerala Legislative Assembly